

IN THE COURT OF CRIMINAL APPEALS
 OF TEXAS

EX PARTE

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NO.

SULIA LAWRENCE BROWN

FILED
 COURT OF CRIMINAL APPEALS
 1/10/2020
 DEANA WILLIAMSON, CLERK

MOTION FOR EXTENSION OF TIME FOR FILING OF STATE'S PETITION
 FOR DISCRETIONARY REVIEW

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

The State requests that the Court grant an extension for thirty (30) days until February 12, 2020, to file the State's petition for discretionary review. The following allegations are made in support of this motion:

I.

The court below is the Criminal District Court No. 1 of Tarrant County, Texas, the Honorable Nelda Cacciotti presiding. The style and number of the case in the trial court was *Ex parte Sulia Brown*, Cause Number 1503867D.

II.

In 2012, SULIA BROWN ("Appellant") was initially alleged, in juvenile proceedings, to have committed aggravated sexual assault of a child under 14 years of age. [CR 21] Soon thereafter, Appellant was found unfit to proceed and was committed to a residential facility. [1 CR 46] In 2017, Appellant's case was

transferred to the district court pursuant to section 55.44 of the Texas Family Code because Appellant became an adult. [CR 29] Appellant's commitment to the residential facility, because he is not competent to stand trial, was reconfirmed in 2017. [CR 31-33] Appellant's case is still pending in the district court.

On January 29, 2019, the trial court denied Appellant's pre-trial petition for writ of habeas corpus finding that his continued commitment to the residential care facility was proper. [CR 68-77] Appellant is not currently set for trial.

Appellant is currently committed to a residential care facility.

III.

On October 17, 2019, the Second Court of Appeals reversed the trial court's denial of Appellant's pre-trial petition for writ of habeas corpus and remanded the case back to the trial court. *See Ex parte Brown*, No. 02-19-00064-CR, 2019 WL 5251133 (Tex. App. – Fort Worth Oct. 17, 2019, no pet. h.), *reh'g denied* (Dec. 12, 2019). The appellate court then denied the State's motions for reconsideration en banc and rehearing on December 12, 2019.

The State's petition for discretionary review is therefore due on Monday, January 13, 2020. *See* TEX. R. APP. P. 68.2(a). This is the State's first motion for extension of time to file a petition for discretionary review. The State requests an extension of 30 days for the filing of the State's petition for discretionary review.

IV.

Since the Second Court of Appeals' denial of the State's motions, counsel for the State was away from the office for nearly two weeks during the Holidays. In addition, counsel for the State has

- Represented State at oral arguments in *Ex parte Couch*, No. 02-19-216-CR, before the Second Court of Appeals on January 7, 2020,
- Filed the State's response to a petition for writ of mandamus in *In re Phelps*, No. 02-19-000451-CV, in the Second Court of Appeals on January 2, 2020,
- Filed four responses to article 11.07 applications for writ of habeas corpus in various Tarrant County district courts,
- Filed six proposed findings of fact and conclusions of law in article 11.07 proceedings in various Tarrant County district courts, and
- Filed two motions for nunc pro tunc in two Tarrant County district courts.

In addition, counsel for the State is currently under deadline for the following:

- the State's proposed findings of fact and conclusions of law in six article 11.07 applications for writ of habeas corpus in various Tarrant County district courts,
- the State's proposed findings of fact and conclusions of law in two article 11.09 applications for writ of habeas corpus in two Tarrant County courts,
- the State's proposed findings of fact and conclusions of law in one constitutional petition for writ of habeas corpus in the Tarrant County juvenile court, and

- the State's response to an article 11.09 application for writ of habeas corpus in the County Criminal Court No. 8 of Tarrant County, Texas.

V.

Counsel for Appellant has no objection to this request for extension.

VI.

This extension is not requested for purposes of delay, but to adequately present to this court the reason it should review the court of appeals' decision. In light of the press of other cases, and the time needed to properly review, reflect upon, and respond to the court of appeals' opinion, the State prays for additional time in which to prepare and file its petition for discretionary review. *See* TEX. R. APP. P. 68.2(c) ("The Court of Criminal Appeals may extend the time to file a petition for discretionary review if a party files a motion.").

Therefore, the State prays that this Court grant this motion and extend the time for filing of the State's petition to February 12, 2020.

Respectfully submitted,

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/s/ Andréa Jacobs
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CERTIFICATE OF COMPLIANCE

There are 913 words in this document, including those portions expressly excludable by TEX. R. APP. P. 9.4(i)(1).

/s/ Andréa Jacobs
ANDRÉA JACOBS
Assistant Criminal District Attorney

CERTIFICATE OF SERVICE

A copy of the “State’s Motion for Extension of Time for Filing of State’s Petition for Discretionary Review” has been electronically sent to appellate counsel for Appellant, Mr. Sulia Brown, Mr. Wes Ball, at WBnotices@ballhase.com, 4025 Woodland Park Blvd, Suite 370, Arlington, Texas 76013, on the 10th day of January, 2020.

/s/ Andréa Jacobs
ANDRÉA JACOBS
Assistant Criminal District Attorney